

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH**

UNITED STATES OF AMERICA

PLAINTIFF

vs.

5:06CR-19-R

STEVEN D. GREEN

DEFENDANT

ORDER CONCERNING INTERIM PAYMENTS

IT IS ORDERED

Because of the expected length of the proceedings in this action and the anticipated hardship on counsel in undertaking representation full-time for such a period without compensation, pursuant to paragraph 2.30 B of the Guidelines for the Administration of the Criminal Justice Act, the following procedures for interim payments shall apply during the course of counsel for petitioner's representation in this case:

1. Submission of Vouchers

Counsel shall submit to the Clerk of Court, once each month, an interim CJA Form 30, "Death Penalty Proceedings: Appointment of Authority to Pay Court Appointed Counsel." The first interim voucher submitted shall reflect all compensation claimed and reimbursable expenses incurred from the date of appointment to **January 1, 2008**, and shall be submitted no later than **February 1, 2008**. Thereafter, the vouchers shall be submitted **once each month** according to the schedule outlined above. Counsel shall strike the pre-printed numbers on all but the first CJA Form 30 submitted and substitute the number appearing on the first voucher therefor. Each voucher shall be numbered in series and include the time period each covers. Interim vouchers shall be submitted in accordance with this schedule even though little or no compensation or expenses are claimed for the respective period. All interim vouchers shall be supported by detailed and itemized time and expense statements. Chapter VI, as well as the applicable provisions of Chapter II, Part C of the Guidelines for the Administration of the Criminal Justice Act, outlines the procedures and rules for claims by CJA attorneys and should be followed regarding each voucher.

The Court will review the interim vouchers when submitted, particularly with regard to the amount of time claimed, and will authorize compensation to be paid for the approved number of hours. The Court will also authorize for payment of all reimbursable expenses reasonably incurred. Magistrate Judge W. David King shall make a preliminary review of each voucher.

At the conclusion of the representation, each counsel shall submit a final voucher seeking payment for representation provided during the final interim period. The final voucher shall set forth in detail the time and expenses claimed for the entire case, including all appropriate documentation. Counsel shall reflect all compensation and reimbursement previously received on the appropriate line of the final voucher, as well as the net amount remaining to be paid at the conclusion of the case.

2. Reimbursable Expenses

Counsel may be reimbursed for out-of-pocket expenses reasonably incurred incident to the representation. While the statute and applicable rules and regulations do not place a monetary limit on the amount of expenses that can be incurred, counsel should incur no single expense item in excess of \$100¹ without prior approval of the Court. Such approval may be sought by filing an *ex parte* application with the Clerk stating the nature of the expense, the estimated dollar cost and the reason the expense is necessary to the representation. An application seeking such approval may be filed *in camera* if necessary. Upon finding that the expense is reasonable, I will authorize counsel to incur it. Recurring expenses, such as telephone toll calls, photocopying and photographs, which aggregate more than \$100 on one or more interim vouchers are not considered single expenses requiring Court approval.

The following additional guidelines may be helpful to counsel:

a. Case related travel by privately owned automobile should be claimed at the then current reimbursable rate per mile, plus parking fees, ferry fares, and bridge, road and tunnel tolls. Transportation other than by privately owned automobile should be claimed on an actual expense basis. Air travel in “first class” is prohibited.

b. Actual expenses incurred for meals and lodging while traveling in the course of this representation must conform to the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations. For specific details concerning high cost areas, counsel should consult the Clerk.

¹Travel related expenses are exempt from the \$100 rule. The specific guidelines concerning travel related expenses will be set forth *infra*.

C. Telephone toll calls, telegrams, photocopying, and photographs can all be reimbursable expenses if reasonably incurred. However, general office overhead (such as rent, secretarial help, and telephone service), is not reimbursable expense, nor are items of a personal nature. In addition, expenses for service of subpoenas on fact witnesses are not reimbursable, but rather are governed by Rule 17, F.R.Cr.P. and 28 U.S.C. § 1825.

3. Further questions or guidance

Answers to questions concerning appointment under the Criminal Justice Act can generally be found in (1) 18 U.S.C. § 3006A; (2) the Plan of the United States District Court for the Western District of Kentucky, available through the Clerk; and (3) Guidelines for the Administration of the Criminal Justice Act, published by the Administrative Office of the United States Courts, also available through the Clerk. Should these references fail to provide the desire clarification or direction, counsel should address their inquiry directly to me or my staff.

cc: Counsel/AUSA